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DOCKET NO. 56385

APPLICATION OF NEW WATER § PUBLIC UTILITY COMMISSION
SYSTEMS, INC. AND DERBY ING LLC §
FOR SALE, TRANSFER, OR MERGER § OF TEXAS
OF FACILITIES AND CERTIFICATE §
RIGHTS AND TO OBTAIN A WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN FRIO COUNTY §

NOTICE OF APPROVAL

This Notice of Approval addresses the application of New Water Systems, Inc and Derby ING LLC for approval of the sale, transfer, or merger of facilities and certificate rights in Frio County. The Commission approves the following: (a) the sale and transfer to New Water of all facilities and service area held by Derby ING under certificate of convenience necessity (CCN) number 12931; (b) the issuance of new CCN number 13318 to New Water, which includes all facilities and service area previously held by Derby ING under CCN number 12931; and (c) the cancellation of Derby ING's CCN number 12931.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Derby ING was a limited liability company formerly registered with the Texas secretary of state under filing number 801919372.
2. Derby ING forfeited its existence on January 29, 2016.
3. Derby ING operated, maintained, and controlled facilities for providing potable water service for compensation in Frio County under CCN number 12931.
4. Derby ING owned a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under public water system identification number TX0820016.
5. New Water is a Texas corporation registered with the Texas secretary of state under filing number 804796824.

6. New Water does not have a water CCN.
7. New Water owns and operates several public water systems, which are registered with the TCEQ.
8. New Water currently operates Derby ING's public water system, identification number TX0820016.

Application

9. On March 19, 2024, the applicants filed the application at issue in this proceeding.
10. New Water filed supplemental information on March 27 and April 4, 10, and 12, 2024.
11. In the application, as supplemented, New Water and Derby ING seek approval of the following:
 - a. the sale and transfer to New Water of all of Derby ING's facilities and certificated service area held by Derby ING under CCN number 12931;
 - b. the issuance of a new CCN to New Water to include the facilities previously held by and certificated service area previously served by Derby ING; and
 - c. the cancellation of Derby ING's CCN number 12931.
12. The requested area to be transferred is approximately 8.2 miles south of downtown Pearsall, Texas, and is generally bounded on the north by a line approximately 600 feet north of and parallel to County Road 3424; on the east by a line approximately 1,000 feet east of and parallel to County Road 3420; on the south by a line approximately 850 feet south of and parallel to Farm-to-Market Road 1853; and on the west by a line approximately 320 feet west of and parallel to County Road 4415.
13. The requested area includes approximately 315 acres and 42 current customers.
14. In Order No. 2 filed on April 25, 2024, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

Notice

15. On April 25, 2024, New Water filed the affidavit of Christopher Martin, chief operations officer of New Water, attesting that notice was provided to all customers, neighboring

utilities, affected persons, landowners, political subdivisions, and other persons as indicated in Commission Staff's recommendation on April 18, 2024.

16. On June 28, 2024, New Water filed the affidavit of Mr. Martin who attested that there are no landowners owning tracts of land over 25 acres wholly or partially inside the requested area.
17. In Order No. 5 filed on July 10, 2024, the ALJ found the notice sufficient.

Evidentiary Record

18. In Order No. 7 filed on August 16, 2024, the ALJ admitted the following evidence into the record:
 - a. the application filed on March 19, 2024
 - b. the applicants' supplements to the application filed on March 27 and April 12, 2024;
 - c. New Water's revised mapping filed on April 4 and 10, 2024;
 - d. Commission Staff's recommendation on administrative completeness, notice, proposed procedural schedule, and request to restyle docket filed on April 18, 2024;
 - e. New Water's affidavit and customer list for notice to customers filed on April 25, 2024;
 - f. New Water's proof of mailing notice and affidavit to parties and landowners filed on June 28, 2024;
 - g. Commission Staff's supplemental recommendation on sufficiency of notice and proposed procedural schedule filed on July 2, 2024;
 - h. Commission Staff's final recommendation on the transaction filed on July 12, 2024;
 - i. Commission Staff's clarification filed on July 17, 2024; and
 - j. the parties' joint motion to admit evidence, proposed order approving the sale and allowing the transaction to process, and request to restyle the docket filed on August 8, 2024.
19. In Order No. 11 filed on November 20, 2024, the ALJ admitted the following supplemental evidence into the record:

- a. New Water's closing documents and notice of completion of transfer filed on September 7, 2024;
- b. Commission Staff's recommendation on sufficiency of closing documents and proposed procedural schedule filed on September 24, 2024;
- c. New Water's consent form filed on October 17, 2024;
- d. Derby ING's consent form filed on October 29, 2024;
- e. the tariff and certificate attached to the joint supplemental motion to admit evidence filed on October 31, 2024; and
- f. the final map attached to the joint response to Order No. 10 filed on November 7, 2024.

Sale

20. In Order No. 8 filed on August 16, 2024, the ALJ approved the sale and transfer to proceed and required the applicants to file proof that the transaction had closed and that customer deposits had been addressed.
21. On September 7, 2024, the applicants filed notice that the transaction was closed effective August 21, 2024, and confirmed that there were no customer deposits to be addressed.
22. In Order No. 9 filed on October 3, 2024, the ALJ found the closing documentation sufficient.

Purchaser's Compliance History

23. The Commission's complaint records, which cover the last five years, show one formal complaint against New Water that is being reviewed by Commission Staff.
24. New Water has active violations in the TCEQ database and is in the process of resolving the violations.
25. New Water has not been under an enforcement action by the Commission, TCEQ, Texas Department of State Health Services, the Office of the Attorney General of Texas, or the United States Environmental Protection Agency in the past five years for noncompliance with rules, orders, or state statutes

26. New Water does not have a history of continuing mismanagement or misuse of revenues as a utility service provider.
27. New Water demonstrated a compliance history that is adequate for approval of the transaction.

Adequacy of Existing Service

28. There are currently 42 existing customer connections in the requested area that are being served by New Water through Derby ING's public water system number TX0820016, and such service has been continuous and adequate.
29. The Commission's complaint records, which cover the last five years, show one informal complaint against Derby ING. The complaint has been reviewed and closed by the Commission's Consumer Protection Division.
30. The last TCEQ compliance investigation of the Derby ING water system was on August 11, 2022.
31. No capital improvements are necessary for New Water to continue providing continuous and adequate water service to the requested area.
32. There is no evidence in the record that Derby ING has failed to comply with any Commission or TCEQ order.

Need for Additional Service

33. There are 42 existing customer connections in the requested area that are receiving service and have an ongoing need for service.
34. This application is to transfer only existing facilities, customers, and service area.
35. There is no evidence of specific requests for additional service within the requested area.

Effect of Approving the Transaction and Issuing the CCN

36. New Water will be the sole certificated retail public water utility for the requested area.
37. New Water will be required to provide continuous and adequate water service to current and future customers in the requested area.
38. New Water and Derby ING are the only utilities affected by this sale and transfer.

39. All retail public utilities in the proximate area were provided notice of the application, and none filed protests, adverse comments, or sought to intervene in this proceeding.
40. There will be no adverse effect on landowners in the requested area because the area is currently certificated.
41. There will be no effect on any retail public utility providing service in the proximate area.

Ability to Serve: Managerial and Technical

42. New Water operates several TCEQ-registered public water systems in Texas.
43. New Water employs or contracts with TCEQ-licensed operators who will operate the public water system being transferred.
44. New Water has the technical and managerial capability to provide continuous and adequate service to the requested area.

Feasibility of Obtaining Service from an Adjacent Retail Public Utility

45. New Water is currently serving customers throughout the requested area, and such service has been continuous and adequate.
46. Obtaining service from an adequate retail public utility would likely increase costs to customers because new facilities would need to be constructed; at a minimum, an interconnection would need to be installed to connect a neighboring retail public utility.
47. It is not feasible to obtain service from an adjacent retail public utility.

Regionalization or Consolidation

48. It will not be necessary for New Water to construct a physically separate public water system to serve the requested area.
49. Because the requested area will not require construction of a physically separate public water system, consideration of regionalization or consolidation with another retail public utility is not required.

Ability to Serve: Financial Ability and Stability

50. New Water has a debt-to-equity ratio that is less than one, satisfying the leverage test.

51. New Water demonstrated it has sufficient cash available on hand to cover any projected operations and maintenance shortages during the first five years of operations following approval of the transaction, satisfying the operations test.
52. There are no capital improvements necessary to provide continuous and adequate service to the requested area, therefore a capital improvements plan is not necessary.
53. New Water demonstrated the financial capability and stability to pay for the facilities necessary to provide continuous and adequate service to the requested area.

Financial Assurance

54. There is no need to require New Water to provide a bond or other financial assurance to ensure continuous and adequate service.

Environmental Integrity and Effect on the Land

55. The requested area will continue to be served with existing infrastructure.
56. There will be no effect on environmental integrity or the land as a result of the transaction because the no construction is needed to ensure continuous and adequate service to the requested area.

Improvement of Service or Lowering Costs to Consumers

57. New Water will continue to provide water service to Derby ING's existing customers in the requested area.
58. Reliability and quality of water service is expected to improve under New Water's management.
59. The customers' rates will not change from the current rates for Derby ING.

Map, Tariff Pages, and Certificate

60. On October 10, 2024, Commission Staff emailed the final proposed map, tariff pages and certificate to the applicants.
61. On October 17, 2024, New Water filed its consent form concurring with the final proposed map, relevant tariff pages, and certificate.
62. On October 29, 2024, Derby ING filed its consent form concurring with the final proposed map.

63. The proposed final map, relevant tariff pages, and certificate were included as attachments to the joint supplemental motion to admit evidence and proposed notice of approval filed on October 31, 2024.

Informal Disposition

64. More than 15 days have passed since the completion of notice provided in this docket.
65. No person filed a protest or motion to intervene.
66. New Water, Derby ING, and Commission Staff are the only parties to this proceeding.
67. No party requested a hearing, and no hearing is needed.
68. Commission Staff recommended approval of the application.
69. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.241, 13.242, 13.244, 13.246, 13.251, and 13.301.
2. New Water and Derby ING are retail public utilities as defined by § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. New Water and Derby ING provided notice of the application that complies with TWC §§ 13.246 and 13.301(a)(2) and 16 TAC § 24.239(b).
4. The application meets the requirements of TWC § 13.244 and 16 TAC §§ 24.227 and 24.233.
5. The Commission processed the application in accordance with the requirements of the TWC, the Administrative Procedure Act,¹ and Commission Rules.
6. New Water and Derby ING completed the sale within the time frame required by 16 TAC § 24.239(m).

¹ Texas Gov't Code §§ 2001.001–.903.

7. New Water and Derby ING complied with the requirements of 16 TAC § 24.239(k) and (l) with respect to customer deposits.
8. After consideration of the factors in TWC § 13.246(c), New Water demonstrated that it is capable of rendering continuous and adequate water service to every customer within the requested area, as required by TWC §§ 13.241(a) and 13.301(b).
9. New Water demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service in the requested area as required by TWC § 13.251.
10. It is not necessary for New Water to provide a bond or other financial assurance under TWC §§ 13.246(d) and 13.301(c).
11. Regionalization and consolidation concerns under TWC § 13.241(d) do not apply in this proceeding because construction of a physically separate water system is not required.
12. New Water and Derby ING demonstrated that the sale and transfer of Derby ING's water facilities and service area under CCN number 12931 to New Water to be held under new CCN number 13318 will serve the public interest and is necessary for the continued service, accommodation, convenience, or safety of the public, as required by TWC §§ 13.246(b) and 13.301(d) and (e).
13. Under TWC § 13.257(r) and (s), New Water must record a certified copy of the certificate and the map approved by this Notice of Approval, along with a boundary description of the service area, in the real property records of Frio County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording.
14. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

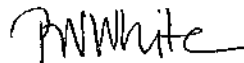
III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves the sale and transfer of all facilities and service area held by Derby ING under CCN number 12931 to New Water, to the extent provided in this Notice of Approval and as shown on the attached map.
2. The Commission issues CCN number 13318 to New Water, which includes the facilities and service area previously included in Derby ING's CCN number 12931, as shown on the attached map.
3. The Commission cancels Derby ING's CCN number 12931.
4. The Commission approves the map and tariff attached to this Notice of Approval.
5. The Commission issues the certificate attached to this Notice of Approval.
6. New Water must provide service to every customer or qualified applicant for service within the approved area under water CCN number 13318 that requests water service and meets the terms of New Water's water service policies, and such service must be continuous and adequate.
7. New Water must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Frio County affected by the application and file in this docket proof of the recording no later than 45 days after receipt of the Notice of Approval.
8. Within ten days of the date of this Notice of Approval, Commission Staff must provide the Commission with a clean copy of New Water's tariff approved by this Notice of Approval, to be stamped *Approved* and retained by Central Records.
9. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

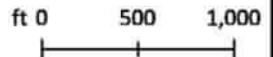
Signed at Austin, Texas on the 20th day of November 2024.

PUBLIC UTILITY COMMISSION OF TEXAS



REBECCA NASH WHITE
ADMINISTRATIVE LAW JUDGE

PUCT Docket No. 56385
New Water Systems, Inc.
Water CCN No. 13318
Obtain New Water CCN and Transfer all of Derby ING, LLC, CCN No. 12931 in Frio County



Water CCN

 13318 - New Water Systems Inc





Public Utility Commission of Texas

By These Presents Be It Known To All That

New Water Systems, Inc.

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, New Water Systems, Inc. is entitled to this

Certificate of Convenience and Necessity No. 13318

to provide continuous and adequate water utility service to that service area or those service areas in Frio County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 56385 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the New Water Systems, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



**WATER UTILITY TARIFF
Docket Number 56385**

New Water Systems, INC.
(Utility Name)

333 Cypress Run, Ste 146
(Business Address)

Houston, TX 77094
(City, State, Zip Code)

(281) 606-5461
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

13318

This tariff is effective in the following county(ies):

Frio

This tariff is effective in the following cities or unincorporated towns (if any):

n/a

This tariff is effective in the following subdivisions or systems:

Derby WSC: PWS #0820016

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

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**APPENDIX A – DROUGHT CONTINGENCY PLAN
APPENDIX B – APPLICATION FOR SERVICE**

NOTE: Appendix A – Drought Contingency Plan (DCP) is approved by the Texas Commission on Environmental Quality (TCEQ); however the DCP is included as part of your approved tariff pursuant to PUCT rules. If you are establishing a tariff for the first time, please contact the TCEQ to complete and submit a DCP for approval.

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

| <u>Meter Size</u> | <u>Monthly Minimum Charge</u> (Includes <u>2,500</u> gallons all meters) | <u>Gallage Charge</u> |
|--------------------------|---|---|
| 5/8" or 3/4" Residential | <u>\$40.00</u> | <u>\$2.00</u> per 1,000 gallons from 2,501 to 10,000 gallons |
| 5/8" or 3/4" Commercial | <u>\$80.00</u> | <u>\$3.00</u> per 1,000 gallons from 10,001 to 20,000 gallons |
| 1" | <u>\$100.00</u> | <u>\$4.00</u> per 1,000 gallons from 20,001 and over |
| 1½" | <u>\$120.00</u> | |
| 2" | <u>\$140.00</u> | |
| 3" | <u>\$160.00</u> | |
| 4" | <u>\$180.00</u> | |
| 6" | <u>\$200.00</u> | |

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash , Check , Money Order , Credit Card , Other (specify)

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS. AT THE CUSTOMER'S OPTION, ANY BILLING TRANSACTION OR COMMUNICATION MAY BE PERFORMED ON THE INTERNET. THIS INCLUDES THE UTILITY SENDING PAPERLESS BILLS BY EMAIL.

REGULATORY ASSESSMENT..... 1.0%
PUCT RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT FEE TO THE TCEQ.

SECTION 1.0 -- RATE SCHEDULE (CONTINUED)

Section 1.02 -- Miscellaneous Fees

TAP FEE (Short Tap) \$955.00
TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" METER PLUS UNIQUE COSTS AS PERMITTED BY PUCT RULE AT COST.

TAP FEE (Long Tap) \$1,535.00
TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" METER PLUS UNIQUE COSTS AS PERMITTED BY PUCT RULE AT COST.

LARGE METER TAP FEE..... Actual Cost
TAP FEE IS BASED ON THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METERS LARGER THAN STANDARD 5/8" METERS.

RECONNECTION FEE
THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:
a) Non-payment of bill (Maximum \$25.00) \$25.00
b) Customer's request \$0.00
or other reasons listed under Section 2.0 of this tariff

TRANSFER FEE..... \$0.00
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE \$5.00
A ONE-TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE..... \$30.00

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50)..... \$50.00

COMMERCIAL AND NON-RESIDENTIAL DEPOSIT 1/6TH ESTIMATED ANNUAL BILL

METER TEST FEE (actual cost of testing the meter up to) \$25.00
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

METER RELOCATION FEE Actual Relocation Cost, Not to Exceed Tap Fee
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS RELOCATION OF AN EXISTING METER.

SECTION 1.0 -- RATE SCHEDULE (CONTINUED)

Section 1.02 – Miscellaneous Fees (Continued)

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.02 POLICY FOR TERMS, CONDITIONS, AND CHARGES.

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE CLAUSE:

WHEN AUTHORIZED IN WRITING BY PUCT AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING [16 TEXAS ADMINISTRATIVE CODE (TAC) § 24.25(b)(2)(G)].

SECTION 2.0 - SERVICE RULES AND REGULATIONS

The utility will have the most current Public Utility Commission of Texas (PUCT or commission) rules relating to Water and Wastewater Utility regulations, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.01 - Application for Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

Section 2.02 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUCT Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the commission.

Section 2.03 - Fees and Charges & Easements Required Before Service Can Be Connected

(A) Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 - Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUCT Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit - If service is not connected, or after disconnection of service, the Utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The Utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any residential customer who has paid 18 consecutive billings without being delinquent. Deposits from non-residential customers may be held as long as that customer takes service.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)Section 2.03 - Fees and Charges & Easements Required Before Service Can Be Connected (Continued)(B) Tap or Reconnect Fees

A new customer requesting service at a location where service has not previously been provided must pay a tap fee as provided in Section 1. A customer requesting service where service has previously been provided must pay a reconnect fee as provided in Section 1. Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to request for payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall be informed of their right to appeal such costs to the PUCT or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is located.

Fees in addition to the regular tap fee may be charged if listed specifically in Section 1 to cover unique costs not normally incurred as permitted by 16 TAC § 24.163(a)(1)(C). For example, a road bore for customers outside a subdivision or residential area could be considered a unique cost.

(C) Easement Requirement

Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the utility may require the applicant to provide it with a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

Section 2.04 - Utility Response to Applications for Service

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Except for good cause where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.05 - Customer Responsibility

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers will not be allowed to use the utility's cutoff valve on the utility's side of the meter. Existing customers may install cutoff valves on their side of the meter and are encouraged to do so. All new customers may be required to install and maintain a cutoff valve on their side of the meter.

No direct connection between a public water supply system and any potential source of contamination or between a public water supply system and a private water source (ex. private well) will be allowed. A customer shall not connect, or allow any other person or party to connect, onto any water lines on his premises.

Section 2.06 - Customer Service Inspections

Applicants for new service connections or facilities which have undergone extensive plumbing modifications are required to furnish the utility a completed customer service inspection certificate. The inspection certificate shall certify that the establishment is in compliance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems, Title 30 TAC § 290.46(j). The utility is not required to perform these inspections for the applicant/customer, but will assist the applicant/customer in locating and obtaining the services of a certified inspector.

Section 2.07 - Back Flow Prevention Devices

No water connection shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination by either an approved air gap, backflow prevention assembly, or other approved device. The type of device or backflow prevention assembly required shall be determined by the specific potential hazard identified in 30 TAC § 290.47(f) Appendix F, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems.

The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes. When a customer service inspection certificate indicates that an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.

At any residence or establishment where it has been determined by a customer service inspection, that there is no actual or potential contamination hazard, as referenced in 30 TAC § 290.47(f) Appendix F, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems, then a backflow prevention assembly or device is not required. Outside hose bibs do require, at a minimum, the installation and maintenance of a working atmospheric vacuum breaker.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.07 - Back Flow Prevention Devices (continued)

All backflow prevention assemblies or devices shall be tested upon installation by a TCEQ certified backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester.

If the utility determines that a backflow prevention assembly or device is required, the utility will provide the customer or applicant with a list of TCEQ certified backflow prevention assembly testers. The customer will be responsible for the cost of installation and testing, if any, of backflow prevention assembly or device. The customer should contact several qualified installers to compare prices before installation. The customer must pay for any required maintenance and annual testing and must furnish a copy of the test results demonstrating that the assembly is functioning properly to the utility within 30 days after the anniversary date of the installation unless a different date is agreed upon.

Section 2.08 - Access to Customer's Premises

The utility will have the right of access to the customer's premises at all reasonable times for the purpose of installing, testing, inspecting or repairing water mains or other equipment used in connection with its provision of water service, or for the purpose of removing its property and disconnecting lines, and for all other purposes necessary to the operation of the utility system including inspecting the customer's plumbing for code, plumbing or tariff violations. The customer shall allow the utility and its personnel access to the customer's property to conduct any water quality tests or inspections required by law. Unless necessary to respond to equipment failure, leak or other condition creating an immediate threat to public health and safety or the continued provision of adequate utility service to others, such entry upon the customer's property shall be during normal business hours and the utility personnel will attempt to notify the customer that they will be working on the customer's property. The customer may require any utility representative, employee, contractor, or agent seeking to make such entry identify themselves, their affiliation with the utility, and the purpose of their entry.

All customers or service applicants shall provide access to meters and utility cutoff valves at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply.

Section 2.09 - Meter Requirements, Readings, and Testing

One meter is required for each residential, commercial, or industrial connection. All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers.

Meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)Section 2.09 - Meter Requirements, Readings, and Testing (continued)

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

Section 2.10 - Billing(A) Regular Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date.

(B) Late Fees

A late penalty of either \$5.00 or 10.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

(C) Information on Bill

Each bill will provide all information required by the PUCT Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

(D) Prorated Bills

If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.11- Payments

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field.

Payment of an account by any means that has been dishonored and returned by the payor or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve month period, the customer shall be required to pay a deposit if one has not already been paid.

Section 2.12 - Service Disconnection

(A) With Notice

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUCT Rules.

B) Without Notice

Utility service may also be disconnected without notice for reasons as described in the PUCT Rules.

Section 2.13 - Reconnection of Service

Utility personnel must be available during normal business hours to accept payments on the day service is disconnected and the following day unless service was disconnected at the customer's request or due to a hazardous condition.

Service will be reconnected within 36 hours after the past due bill, reconnect fees and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

Section 2.14 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.15 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the TCEQ, the utility will maintain facilities as described in the TCEQ Rules and Regulations for Public Water Systems.

Section 2.16 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through either the TCEQ or PUCT complaint process, depending on the nature of the complaint. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the commission.

Section 2.17 - Customer Liability

Customer shall be liable for any damage or injury to utility-owned property shown to be caused by the customer.

SECTION 3.0--EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES: NO CONTRIBUTION IN AID OF CONSTRUCTION MAY BE REQUIRED OF ANY CUSTOMER EXCEPT AS PROVIDED FOR IN THIS APPROVED EXTENSION POLICY.

The utility is not required to extend service to any applicant outside of its certified service area and will only do so under terms and conditions mutually agreeable to the utility and the applicant, in compliance with PUCT rules and policies, and upon extension of the utility's certified service area boundaries by the PUCT.

The applicant for service will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

Section 3.02 - Costs Utilities and Service Applicants Shall Bear

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the PUCT, the residential service applicant shall not be required to pay for costs of main extensions greater than 2" in diameter for water distribution and pressure wastewater collection lines and 6" in diameter for gravity wastewater lines.

Exceptions may be granted by the PUCT if:

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;
- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

SECTION 3.0--EXTENSION POLICY (CONTINUED)

Section 3.02 - Costs Utilities and Service Applicants Shall Bear (continued)

If an exception is granted by the PUCT, the utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers. A service applicant requesting a one inch meter for a lawn sprinkler system to service a residential lot is not considered nonstandard service.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.

The utility will bear the full cost of any over-sizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

Section 3.03 - Contributions in Aid of Construction

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the TCEQ minimum design criteria for water production, treatment, pumping, storage and transmission.

SECTION 3.0--EXTENSION POLICY (CONTINUED)Section 3.03 - Contributions in Aid of Construction (continued)

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of 16 TAC § 24.163(d). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the TCEQ minimum design criteria. As provided by 16 TAC § 24.163(d)(4), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- Under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utilities approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission or executive director.

for purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

Section 3.04 - Appealing Connection Costs

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, PUCT rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the PUCT or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(ies) is located.

Section 3.05 - Applying for Service

The utility will provide a written service application form to the applicant for each request for service received by the utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant. Service application forms will be available at the utility's business office during normal weekday business hours. Service applications will be sent by prepaid first class United States mail to the address provided by the applicant upon request. Completed applications should be returned by hand delivery in case there are questions which might delay fulfilling the service request. Completed service applications may be submitted by mail if hand delivery is not possible.

SECTION 3.0--EXTENSION POLICY (CONTINUED)Section 3.05 - Applying for Service (continued)

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request. The actual point of connection and meter installation must be readily accessible to utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the utility. If no agreement on location can be made, the applicant may refer the matter to the PUCT for resolution.

Section 3.06 - Qualified Service Applicant

A "qualified service applicant" is an applicant who has: (1) met all of the utility's requirements for service contained in this tariff, PUCT rules and/or PUCT order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by PUCT rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The PUCT service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by PUCT rules.

Section 3.07 - Developer Requirements

As a condition of service to a new subdivision, the utility shall require a developer (as defined by PUCT rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

APPENDIX A - DROUGHT CONTINGENCY PLAN

(This page incorporates by reference the utility's Drought Contingency Plan, as approved and periodically amended by the Texas Commission on Environmental Quality.)

APPENDIX B -- APPLICATION FOR SERVICE
(Utility Must Attach Blank Copy)